N.D.N.Y. /SYNY
08-cv-32
McCurn, J.
Lowe, M.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 7th day of October, two thousand nine,

Present:

Dennis Jacobs,
Chief Judge,
Robert D. Sack,
Gerard E. Lynch,
Circuit Judges.

UNITED STATES COURT OF APPEALS
FILED
OCT - 7 2009
Catherine O'Hagan Wolfe, Clerk
SECOND CIRCUIT

Jeffrey Thrall,

Plaintiff-Appellant,

v. 08-4421-cv

Central New York Regional Transportation Authority, *et al.*,

Defendants-Appellees.

Appellant, through counsel, moves to supplement the record and to extend the time to perfect his appeal. Upon due consideration, it is hereby ORDERED that the motion to supplement the record is DENIED. Appellant has failed to "provide evidence of an erroneous or accidental omission of material evidence," as required to supplement the record pursuant to Federal Rule of Appellate Procedure 10(e)(2). *Leibowitz v. Cornell Univ.*, 445 F.3d 586, 592 n.4 (2d Cir. 2006). However, this Court will consider those proffered documents that are part of the district court record or are subject to judicial notice. The Clerk's Office is directed to enter a new scheduling order. The Appellant is advised that no further requests for an extension of time for the filing of

SAO-SEdL

CERTIFIED: OCT - 7 2009

his brief will be considered. *See* Order entered March 27, 2009.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: ____________

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by ____________
DEPUTY CLERK